

ORIGINAL

IN THE DISTRICT COURT OF MCCURTAIN COUNTY
STATE OF OKLAHOMA

SCOTT GENTRY and
KRISTEE GENTRY as
GUARDIANS of JOSH GENTRY,

Plaintiffs,

Case No. CJ-2022- 61

Vs.

CHIGGER'S BAR, LLC, an Oklahoma
Limited Liability Company, RANDALL
DOLLAR, GANDY SHANE FARLEY, MICHAEL
PENNINGTON, SYLVIA MURPHY and
JEFFREY MORELAND,

Defendants.

COURT CLERK'S OFFICE
County of McCurtain, State of Oklahoma
FILED
JUN 16 2022
KATHY GRAY, Court Clerk
By _____ Deputy

PETITION

COMES NOW, the Plaintiffs by and through their counsel,
undersigned, and for their Petition would state and allege the following:

THE PARTIES

1. The Plaintiffs are the parents of Josh Gentry, an adult male.
2. On May 24th and 25th, 2022 the Plaintiffs were appointed Guardians of Josh Gentry in case number PG-2022-20 by the Honorable Associate District Judge Timothy Mills, Pittsburg County and this action is brought by the Plaintiffs in their capacity as Guardians for Josh Gentry to recover damages sustained by him as alleged herein.
3. All actions giving rise to this Petition occurred in McCurtain County, State of Oklahoma.

4. The Defendant Chigger's Bar, LLC (Chiggers) is an Oklahoma limited liability company doing business in McCurtain County, State of Oklahoma on the dates giving rise to Plaintiffs' claims.
5. At the time of the events giving rise to Plaintiffs' claims Defendant Chigger's Bar, LLC d/b/a Chigger's Bar was responsible for the ownership and operation of Chigger's Bar.
6. Defendants Michael Pennington and Jeffrey Moreland are the owners and operators of Chigger's Bar and are responsible for the operations of the business and are believed to be residents of McCurtain County, State of Oklahoma.
7. Defendants Michael Pennington, Jeffrey Moreland and Sylvia Murphy are the owners of the property on which Chiggers was operating at the time of the events giving rise to the Plaintiffs' claims.
8. Defendant Randall Dollar is believed to be a resident of McCurtain County, State of Oklahoma.
9. Defendant Gandy Shane Farley is believed to be a resident of McCurtain County, State of Oklahoma.
10. Defendant Dollar and Farley were employees/agents of Chigger's Bar at all times alleged herein.

STATEMENT OF FACTS

11. On or about March 26 and/or 27, 2022 Josh Gentry and some friends went to Chigger's Bar located at 242 Stevens Gap Road in McCurtain County during regular business hours.
12. Sometime before 2:00 a.m. on March 27, 2022 Josh and his friends intended to leave and exited the bar and walked to the parking lot.
13. While in the parking lot a hostile mob made up of Chigger's customers, some of which appeared to be intoxicated, and Chigger's employees, including Defendant Dollar and Defendant Farley, angrily confronted Josh and his friends.
14. The mob, including Defendant Dollar and Defendant Farley, began making threats of physical violence to Josh and his friends for reasons unknown to them.
15. Defendant Dollar and Defendant Farley were both wearing t-shirts that read "SECURITY" or some variation thereof indicating their authority to act on behalf of Chigger's Bar.
16. Defendant Farley held a taser or other electronic weapon in his hand.
17. Defendant Farley pointed the weapon at Josh's face and threatened him with it.
18. Defendant Farley then physically attacked a person(s) in Josh Gentry's party in the parking lot.

19. Defendant Dollar and others in the mob made unprovoked verbal threats of imminent physical violence to Josh Gentry while he was trying to leave.
20. Defendant Dollar then, unprovoked, began physically attacking Josh by punching him in the head and face until he was unconscious.
21. Defendant Dollar, with the mob cheering him on, then stood over Josh and screamed words to the effect of “that’s how the McCurtain County crew rolls, motherfucker. Pussy ass bitch!”
22. Josh Gentry has suffered significant and catastrophic brain injuries for which he has received, and will continue to receive for the foreseeable future, extensive medical care.
23. The Guardianship awarded to the Plaintiffs was necessary as a result of the incapacitating/partially incapacitating injuries sustained by Josh which were caused by the wrongful, negligent and/or intentional conduct of the Defendants as described herein.

PLAINTIFFS’ CLAIMS

24. While working for Chigger’s Bar Defendant Dollar threatened imminent physical harm to Josh and caused him to be in fear of imminent physical harm and/or to suffer fright and terror.
25. While working for Chiggers’ Bar Defendant Dollar physically attacked Josh Gentry by striking him numerous times causing him injuries and damages.

26. While working for Chigger's Defendant Farley threatened imminent physical harm to Josh with a taser or electronic weapon and caused him to be in fear of imminent physical harm and/or to suffer fright and terror.
27. The actions/omissions of Defendant Dollar and Defendant Farley towards Josh Gentry constitute intentional assault and/or battery against Josh.
28. Defendant Dollar's and Farley's conduct toward Josh was so extreme and outrageous as to be considered atrocious and utterly intolerable in a civilized society.
29. Defendant Dollar's and Farley's conduct toward Josh caused him emotional distress and other damages
30. Defendant Dollar's and Farley's conduct constitutes an intentional infliction of emotional distress to Josh Gentry.
31. Alternatively, Defendant Dollar's and Farley's actions and/or omissions were negligent and a violation of their/his duties of care to Josh Gentry.
32. Defendant Dollar's and Farley's actions and/or omissions were grossly negligent, done with reckless disregard for the right of Josh Gentry, malicious and/or lift threatening.
33. Defendant Chigger's Bar, LLC, as an employer/principal for Defendant Dollar and Defendant Farley, is vicariously liable for the negligent actions/omissions and/or wrongful conduct of Defendant Dollar and Farley as alleged herein.

34. Josh Gentry's injuries are as a result of Defendant Chigger's and/or Defendant Pennington's and Defendant Moreland's negligent actions/omissions and/or their breach of duties to Josh Gentry including but not limited to those described herein.
35. Defendant Chiggers and/or Defendant Pennington and Defendant Moreland as owners of Chiggers had a duty to adequately investigate and hire, train, educate and supervise its employees/agents.
36. Defendant Chiggers and/or Defendant Pennington and Defendant Moreland as owners of Chiggers was/were negligent in its investigation, hiring, training, education and/or supervision of its employees/agents such as Defendant Dollar and Defendant Farley.
37. Defendant Chiggers and/or Defendant Pennington and Defendant Moreland had a duty to not serve alcohol to intoxicated persons whose intoxication would likely lead them to incite violence.
38. Defendant Chiggers through its employees/agents and/or Defendant Pennington and Defendant Moreland negligently served alcohol to intoxicated persons that contributed to the conditions that led to Josh Gentry's injuries.
39. Defendant Chiggers and/or Defendants Pennington and Defendant Moreland as owners of Chiggers had a duty to the public, including Josh Gentry, to provide adequate security.

40. Defendant Chiggers and/or Defendant Pennington and Defendant Moreland as owners of Chiggers negligently failed to provide adequate security for its customers such as Josh Gentry, in fact, the security it provided caused the injuries to Josh Gentry.
41. Defendant Chigger's and/or Defendants Pennington and Moreland as owners of Chiggers had a duty to maintain a reasonably safe premises for its customers such as Josh Gentry.
42. Defendant Chigger's and/or Defendants Pennington and Moreland as owners of Chigger's negligently failed to maintain a reasonably safe premises for Josh Gentry and the unsafe conditions of the premises caused Josh Gentry's injuries.
43. Josh Gentry's injuries and damages were sustained by the negligent actions and omissions of Defendant Chigger's and/or its employees/agents and/or Defendants Pennington and Moreland.
44. Defendants Pennington, Moreland and Murphy as owners of the real property owes and/or voluntarily assumes duties to those who are lawfully on its property, including Josh Gentry, to ensure that said property is reasonably free from dangers and to warn of known dangers.
45. Defendants Pennington, Moreland and Murphy as owners of the real property knew or should have known of the dangerous conditions created by the negligent hiring, employment and/or retention of Defendants Dollar and Farley.

46. In all circumstances alleged herein, Defendant Chigger's and/or Defendant Pennington's and Moreland's conduct was grossly negligent, done with reckless disregard to the rights of others, malicious, willful and/or life-threatening

47. Defendants Pennington, Moreland and Murphy as owners of the real property knew or should have known that the operation of a bar on its property without property security, warnings and protection unreasonably enhanced the opportunity for events and injuries such as those described herein suffered by Josh Gentry to occur on their property.

48. Defendants Pennington, Moreland and Murphy as owners of the real property breached their duties to Josh Gentry and their actions/omissions were a proximate cause of his injuries. Their actions were negligent, grossly negligent, and in reckless disregard of Josh Gentry's rights. The actions and omission of these property owners warrant the imposition of punitive damages.

49. The Defendants, each of them individually and corporately, are liable for all injuries and harms sustained by Josh Gentry including but not limited to past, present and future physical and mental injuries; past, present and future medical and other necessary expenses; past, present and future lost earnings; lost earning capacity and other damages in excess of seventy-five thousand dollars (\$75,000.00).

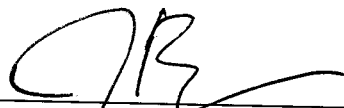
50. As to Defendants Pennington and Moreland, this Court should enter an order piercing the Chigger's Bar, LLC's corporate veil and enter judgement against them individually as owner(s) and operator(s) of Chiggers for all damages sustained by Josh Gentry.

51. Plaintiffs are entitled to an award of punitive damages from the Defendants, each of them, in an amount that is sufficient to warn, deter and/or make an example of the Defendants.

WHEREFORE, premises considered Plaintiffs pray that this Court grant them judgement against the Defendants for all damages sustained by Josh Gentry as well as punitive damages, attorney fees, costs and interest in excess of \$75,000.00 and any other relief deemed appropriate by this Court.

Respectfully submitted,

By:



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Gotcher & Beaver, LLP
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P.O. Box 160
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(918)423-0412
Attorney for Plaintiffs

JURY TRIAL DEMANDED
ATTORNEY FEE LIEN CLAIMED

VERIFICATION

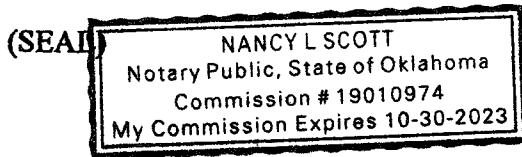
STATE OF OKLAHOMA)
COUNTY OF Pittsburg) ss

Scott Gentry, of legal age and being first duly sworn upon oath state that he/she is the Plaintiff herein and that he/she has read the above and foregoing and that the matters and things contained therein are true and correct to his/her best knowledge and belief.

[Signature]

Subscribed and sworn to before me this 13th day of June,
2022.

[Signature]
NOTARY PUBLIC



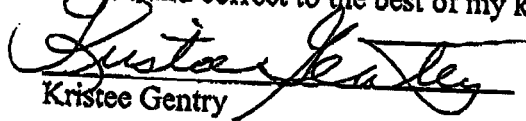
VERIFICATION

STATE OF GEORGIA

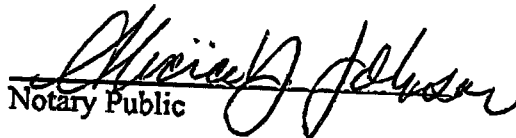
COUNTY OF Fulton

)
)SS.
)

I, Kristee Gentry, being duly sworn upon oath state that I am the Guardian herein and that I have read the above and foregoing Application for Appointment of Guardianship for Josh Gentry and that the contents are true and correct to the best of my knowledge.


Kristee Gentry

Subscribed and sworn to before me this 13th day of June 2022


Notary Public

